

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
INFO AMCONSUL MUNICH PRIORITY
AMEMBASSY BERLIN

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MUNICH FOR CHARIG

E.O. 11652: N/A

TAGS: PGOV, CPRS, GW, GE, US

SUBJECT: OVERLAPPING GERMAN CLAIMS

REFS: (A) STATE 306232, (B) STATE 33046, (C) STATE 41594

1. FERENCZ AND KAGAN OF CONFERENCE ON JEWISH MATERIAL
CLAIMS MET WITH DEPUTY ASSISTANT SECRETARY GOODBY, DEPUTY
LEGAL ADVISER SCHWEBEL AND OTHER OFFICERS IN REVIEW OF
PROBLEM OF OVERLAPPING GERMAN CLAIMS FEBRUARY 21.

2. FERENCZ STATED THAT CONFERENCE HAD INFORMED
CONGRESSMAN BINGHAM OF THE UNEXPECTED FACT THAT FRG
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PAYMENTS TO POSSIBLE CLAIMANTS UNDER U.S. CLAIMS
LEGISLATION AGAINST GDR WHOSE PASSAGE BINGHAM HAD
ENGINEERED HAD BEEN SUSPENDED. THEY REPORTED THAT
BINGHAM IS DISTRESSED. THEY FURTHER STATED THAT THEY
PLAN TO PROPOSE TO BINGHAM THAT U.S. LEGISLATION BE
AMENDED TO PROVIDE IN SUBSTANCE THAT NO PERSON SHALL BE
ENTITLED TO COMPENSATION UNDER THAT LEGISLATION IF HE HAS

A VALID CLAIM FOR THE SAME LOSS AGAINST ANY OTHER GOVERNMENT. THIS, FERENCZ BELIEVES, WOULD "TRUMP" FRG LEGISLATION BY DEBARRING RECOVERY AGAINST GDR BY ANY U.S. NATIONALS HAVING VALID CLAIMS AGAINST FRG, THUS REQUIRING THE FRG TO LIFT ITS SUSPENSION.

3. WE RESPONDED THAT WE WOULD CONSIDER THE APPARENT MERITS OF THAT APPROACH, TAKING INTO ACCOUNT THE FRG RESPONSE WHICH WE EXPECT SHORTLY TO OUR REPRESENTATIONS TO LIFT THE SUSPENSION ON PAYMENTS AND WITHDRAW APPEALS IN THE FREYMUTH AND LIKE CASES. FERENCZ WONDERED WHETHER FRG STRATEGY IS NOT TO RESPOND TO OUR REPRESENTATIONS BUT RATHER STALL. KAGAN PARTICULARLY INQUIRED WHETHER WE COULD NOT CALL IN FRG EMBASSY ON PROBLEM, WHICH HE BELIEVED WOULD BE MORE SENSITIVE TO IT THAN BONN. WE UNDERTOOK TO CONSIDER DOING THAT.

4. FYI. OUR INITIAL REACTION IS THAT THE CONFERENCE'S PROPOSAL FOR SUCH AN AMENDMENT MAY BE A NECESSARY WAY OUT OF THE THICKET IF THE FRG SHOULD PROVE UNRESPONSIVE TO OUR REPRESENTATIONS. END FYI.

5. WE SHALL SEPARATELY REPORT EXCHANGES ON PROBLEMS OF SOCIAL SECURITY TOTALIZATION AGREEMENT WITH FRG AND THE CONFERENCE'S IDEAS FOR A SETTLEMENT OF CLAIMS WITH THE GDR TURNING ON TRADE BENEFITS FOR GDR PAYMENTS IN KIND. LIMITED OFFICIAL USE

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